

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

VICTOR B. PLUMB,

Plaintiff,

v.

No. 17-CV-00446-KG-KBM


R.C. SMITH, FNU LEWIS, FNU  
BRADSHAW, VALERIE NAEGELE,

Defendants.

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

This matter is before the Court, *sua sponte*. On November 6, 2017, the Court dismissed Plaintiff Victor B. Plumb's Prisoner's Civil Rights Complaint (Doc. 1) for failure to state a claim on which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b) and granted Plaintiff thirty (30) days in which to file an amended complaint. (Doc. 7). The deadline for the submission of Plaintiff's amended complaint has expired and, as of this date, Plaintiff has not filed an amended complaint, requested an extension of time in which to file an amended complaint, or otherwise responded to the Court's November 6, 2017, Memorandum Opinion and Order. Therefore, this action will be dismissed without prejudice for failure to state a claim on which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b).

IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice; and judgment will be entered.

  
UNITED STATES DISTRICT JUDGE